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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,653	10/18/2001	David K. Howington	MIS-P-104	7566

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EXAMINER
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ART UNIT	PAPER NUMBER
3622	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTOL-90A (Rev. 10/06)

Advisory Action **Before the Filing of an Appeal Brief**	Application No. 09/981,653	Applicant(s) HOWINGTON, DAVID K.	
	Examiner DANIEL LASTRA	Art Unit 3622	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>28 February 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.
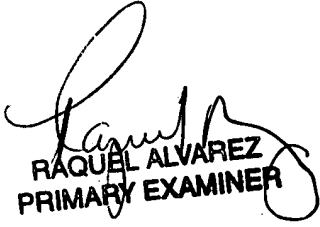
   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

_____.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

The Applicant argues that the Blad and Moore system are directed to only present locations of the machines. The Applicant further argues that there is no motivation provided by Blad and Moore for a database that identifies all the machines that have previously occupied a location by entering the desired location into the database. Also, the Applicant argues that the Moore invention is unrelated to slot machines since it is directed to telling the customer where the closest product can be found when the first vending machine is out of product and that is, according to the Applicant, the only purpose for Moore monitoring the present locations of the machines. The Applicant further argues that when all the prior art is combined, the most that is achieved is a way to identify the current machine at a particular location. The Examiner answers that Blad teaches a system that monitors coin-operated machines (i.e. vending machines, slot machines; paragraph 38), where said monitoring includes product stock status of said machines (see paragraph 40) and also teaches obtaining raw data from the plurality of monitored coin-operated machines and processing said data in data records to make it available to users via the Internet (see paragraph 49). The Blad system allows users to access a database via the Internet and query and filter raw data obtained for either individual coin-operated machine or for a plurality of coin-operated machines using the coin-operated machine identifier (see paragraphs 49-50). Moore teaches that it is old and well known in the communication art to add GPS locator capabilities to coin-operated machines (i.e. vending machines) in order to track the movement of said machines as said machines are moved frequently, where Moore recites "The fourth embodiment preferably utilizes the location detection device 306 for providing geographic coordinates of the position of the vending machine 102. This embodiment advantageously can be used when the vending machine 102 are moved frequently" (see Moore col 7, lines 60-67). Therefore, because Blad is related to coin-operated machines, which includes slot machines and vending machines, and Moore is related to determining the location of coin-operated machines (i.e. vending machines) that are moved frequently, then it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Blad would collect data from coin-operated machines where said data would include said machines' locations, as taught by Moore and would use said data to prepare reports accessible to users via the Internet, where said users would be able to query, filter and format said reports by machine ID and machine location, as it is old and well known to query and filter a database, as taught by Blad (see paragraphs 48-49). Therefore, contrary to Applicant's argument, when the prior arts are combined the most that is achieved is not a way to identify the current machine at a particular location but a way to keep track of the exact location of a coin-operated machines even if said machines are moved frequently, as taught by Moore, a way to determine said machines performance (i.e. machine paid out; see Blad paragraph 40) and a way to organize said performance and location in a report where users would be able to query, filter and format for either individual coin-operated machines or for a plurality of coin-operated machines, as taught by Blad (see paragraph 49).

RAQUEL ALVAREZ
PRIMARY EXAMINER